

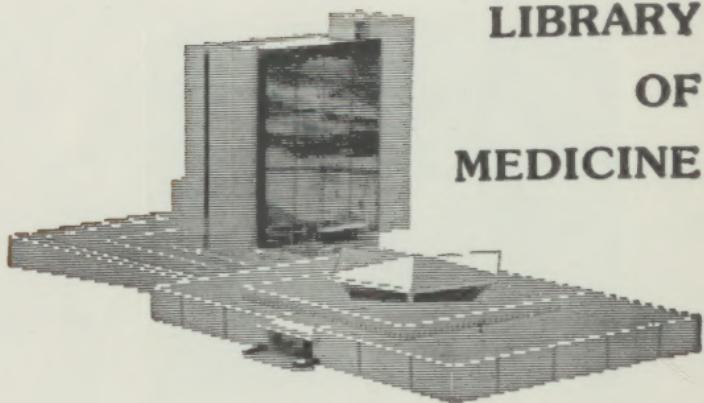
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OKLAHOMA. LAWS, STATUTES, ETC.

OKLAHOMA PHARMACY LAWS.

Established 1836

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Oklahoma

Pharmacy Laws

Compiled By
First Assistant Attorney General Hansen

In Force, August 26, 1949

BOARD MEMBERS

C. J. MASTERSON, PRESIDENT - - OKLAHOMA CITY
RALPH ENIX, VICE-PRESIDENT - - - - KINGFISHER
ROBERT L. GOWAN, TREASURER - - - - SULPHUR
W. D. PATTERSON, SECRETARY - - - - EL RENO

Office, Suite 543, State Capitol

Oklahoma City 5, Oklahoma

E. R. Weaver, Inspector.....Stillwater

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Oklahoma Pharmacy Laws

Laws &
Statutes, etc.

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Explanatory Notes

LICENSE TO BE REQUIRED IN THE INTEREST OF PUBLIC HEALTH

No person, firm or corporation has the inherent right to open or conduct a drug store, pharmacy or drug department in the State of Oklahoma without first procuring from the State Board of Pharmacy a license as prescribed in the foregoing sections of the pharmacy law, which is to be found in this booklet.

No person, firm or corporation, except one so licensed, shall use or exhibit any sign, label, wrapping paper, calendar, telephone directory or other printed matter in/on which the words "drug", "drugs", "drug store", "pharmacy" or any other term or devise or word which would lead the public to believe they are operating a drug store.

And no license is issued unless a registered pharmacist signs the application for a license.

In compliance with the state pharmacy law as prescribed in this booklet, the pharmacist must display certificate where he or she is engaged and must remove it immediately in the event of discontinuance of practice and must notify the Board of Pharmacy within ten days of discontinuance and new connection.

All drug store licenses expire on the 30th day of June following date of issue. Application for new license must be filed with the Board on or before July 1st.

Drug store license applies only to drug store owners and has nothing to do with certificate renewal fee of \$6.00 which is also due on or before July 1st each year.

Provisions of the pharmacy law are rigidly enforced by the Board of Pharmacy in co-operation with the inspector for the Board.

OKLAHOMA STATE PHARMACY LAWS

REQUIREMENTS FOR EXAMINATION

Applicant must be a citizen of the United States, 21 years of age, a graduate of a recognized school of pharmacy whose course is not less than four years of 2,200 clock hours, the last year of which must not be less than 750 clock hours. Four years experience, three years of which may be credited to college work, is also required. One year practical experience must be acquired either prior to entering college or after graduating, and cannot be acquired while enrolled in college of pharmacy.

A transcript or letter from the college must be furnished as evidence of graduation before the application will be accepted. (Do not send diploma.) A recent photograph $3\frac{1}{4}'' \times 4\frac{1}{2}''$ must accompany application. Examinations are held in Oklahoma City at places and dates designated by the Board of Pharmacy. A fee of \$10.00 must accompany application for examination and be filed with the secretary ten days before date of examination. Persons who became registered assistant pharmacists prior to January 1, 1922, and can furnish evidence of good standing, are eligible to take the State Board of Pharmacy examination without evidence of college examination.

REQUIREMENTS FOR RECIPROCITY

The Oklahoma State Board of Pharmacy now reciprocates with every state in the union except California, New York and Florida. However, if any of the requirements or standards in any of these states do not conform with those of the State of Oklahoma, the Board has power to refuse such reciprocation.

Any one desiring reciprocity may write the Board of Pharmacy, Suite 543, State Capitol Building, Oklahoma City 5, Oklahoma, for information and necessary application blanks.

After an official application has been filed for reciprocity with the State Board of Pharmacy a temporary cer-

OKLAHOMA STATE PHARMACY LAWS

tificate will be issued for an additional fee of \$2.50, authorizing the applicant to practice in this State until the next meeting of said Board, at which time action will be taken on application.

The Oklahoma State Board urges and will appreciate the co-operation of the druggists of the State in reporting all violations of the pharmacy law promptly to the State Board of Pharmacy, who will take immediate action and all information given to the Board will be held in strict confidence.

W. D. PATTERSON, Secretary,
Oklahoma State Board of Pharmacy,
State Capitol Building, Suite 543,
Oklahoma City 5, Oklahoma.

DRUG AND PHARMACY LAWS OF OKLAHOMA

IN FORCE ON AUGUST 26, 1949

(59 O. S. 1941, §§ 331-373, as amended in 1949)

1.

BOARD OF PHARMACY — QUALIFICATIONS AND APPOINTMENT OF MEMBERS.

The Board of Pharmacy shall consist of five persons who have been registered not less than five years, who have had not less than ten years' practical experience as retail pharmacists, who are members of the Pharmaceutical Association, and who are licensed as pharmacists and actively engaged in the practice of pharmacy within this State, who shall be appointed by the Governor, by and with the advice of the Senate, from a list of names elected by a vote of the members of the Pharmaceutical Association, at its annual meeting; provided, the provisions of this Act shall not apply to present members of the Board of Pharmacy.

(Section 4694, Oklahoma Statutes 1931 — 59 O. S. 1941,
§ 331.)

OKLAHOMA STATE PHARMACY LAWS

2.

TERMS OF MEMBERS — PERSONS DISQUALIFIED — APPOINTMENT BY GOVERNOR FROM NAMES SUBMITTED—SECRETARY OF BOARD.

The members of the Board first appointed shall hold their offices for one, two, three and four years respectively, as shall be designated in their several commissions; provided, that no person shall be appointed on the Board of Pharmacy who habitually uses intoxicating liquors as a beverage, or habit-forming drugs, or who has paid to the United States government the special liquor dealer's tax, subsequent to the passage and approval of this Act. Annually the secretary of the Oklahoma Pharmaceutical Association shall submit to the Governor the names of ten persons so elected and eligible to the appointment, and from this list the Governor shall appoint one member to fill the vacancy annually occurring on the Board of Pharmacy and the vacancies occurring from other causes shall be filled in like manner. The secretary of the Board shall be appointed by the Governor by and with the advice of the Senate, from a list of all members of the Oklahoma Pharmaceutical Association, who are eligible to appointment and who shall hold office for four years from the date of his appointment or until his successor shall be appointed and qualified. The secretary shall devote his entire time to the duties of his office, under the direction of the State Board of Pharmacy, and shall furnish information to the proper authorities for any violation of this Act. (Section 4695, Oklahoma Statutes 1931 — 59 O. S. 1941,

§ 332.)

OKLAHOMA STATE PHARMACY LAWS

3.

REGISTERED AND ASSISTANT PHARMACISTS ONLY TO DISPENSE DRUGS.

It shall be unlawful for any person other than a registered pharmacist, or assistant pharmacist as hereinafter defined, to retail, compound or dispense drugs, medicines, or pharmaceutical preparations in the State of Oklahoma, or to institute, conduct or manage a pharmacy, store or shop for the retailing, compounding or dispensing of drugs, medicines or pharmaceutical preparations in said State of Oklahoma, unless such person shall be a registered pharmacist, as this Article provides. (R. L. 1910, ch. 67, art. 3), sections 1-10, 12-17 of this booklet) or shall place in charge of said pharmacy, store or shop, a registered pharmacist, except as hereinafter provided.

(Section 4696, Oklahoma Statutes 1931 — 59 O. S. 1941,
§ 333.)

(Note —for statutes fixing penalty for violation of the above section, see 21 O. S. 1941, §§ 21 and 11.)

4.

REGISTERED PHARMACISTS—QUALIFICATIONS.

Registered pharmacists shall comprise persons regularly registered as such in the State of Oklahoma for the year ending March 1, 1909, and all other persons registered as licentiates in pharmacy for the aforesaid period, who have been authorized to conduct or manage a pharmacy in the State of Oklahoma, and all persons over twenty-one years of age, having four years practical experience in compounding and dispensing physicians' prescriptions, who shall be of good moral character and shall pass a satisfactory examination before the State Board of Pharmacy. Provided, that on and after July 16, 1921, all applicants for a certificate as registered pharmacists shall be required

OKLAHOMA STATE PHARMACY LAWS

to furnish evidence of having attended a school of pharmacy approved by the Board of Pharmacy, for a period of one year; provided, further, that after July 15, 1923, all applicants for certificate as registered pharmacists shall be required to furnish evidence of graduation from a school of pharmacy, requiring not less than two years of school work, which shall be approved by the Board of Pharmacy. Provided, further, that nothing in this Act shall disqualify any person who has become an assistant pharmacist prior to January 1, 1922, from becoming a registered pharmacist after having passed a satisfactory examination before the Board of Pharmacy. Provided, further, that the Board of Pharmacy shall have the power to issue reciprocal certificates to applicants from other states having like requirements, and for which they shall charge a fee of fifteen dollars (\$15.00).

(Section 4698, Oklahoma Statutes 1931 — 59 O. S. 1941,
§ 334.)

5.

ASSISTANT PHARMACISTS.

"Assistant pharmacists" in the meaning of this article (R. L. 1910, ch. 67, art. 3, sections 1-10, 12-17 of this booklet), shall comprise all persons regularly registered as licentiates in pharmacy in the State of Oklahoma for the year ending March 1, 1909, who have been authorized to assist in the dispensing and compounding of physicians' prescriptions under the supervision of a properly qualified person; and all persons over eighteen years of age having two years practical experience in the compounding and dispensing of physicians' prescriptions, who shall pass such examination as the State Board of Pharmacy shall require. Assistant pharmacists shall not be permitted to conduct or manage a pharmacy on their own account, or assume the management of such business for others.

(Section 4699, Oklahoma Statutes 1931 — 59 O. S. 1941,
§ 335.)

OKLAHOMA STATE PHARMACY LAWS

6.

ORGANIZATION OF BOARD -- MEETINGS -- POWERS — DUTIES.

The Board shall within thirty (30) days from its appointment meet in the capital city of the State, and organize by the election of a president, who shall serve for the term of one (1) year, and who shall perform the duties prescribed by the Board. Meetings for the examination of applicants for registration, granting of certificates and the transaction of such other necessary business, shall be held at least twice in twelve (12) months, and such times and places as may be fixed by the board. Provided, that ten (10) days' notice of the time and place of each meeting at which there is an examination of candidates for registration shall be given. It shall be the duty of the Board to receive all applicants for examination and registration, submitted in proper form to grant certificates to such persons as may be entitled to the same under this Act; to report annually to the Governor and to the State Association upon the condition of Pharmacy in the State of Oklahoma, which report shall furnish a record of the proceedings of the Board, as well as the names of all persons registered under this Act; on what grounds and under what particular section of this Act each was registered and any other fact pertaining to the granting of the certificate. The said Board has power to make any by-laws for the full and proper execution of its duties under this Act, to provide the forms and methods of application, examination and registration, to demand and receive from applicants the fees herein provided and regulate the practice of pharmacy and to employ a full time inspector necessary to carry out the provisions of this Act at an annual salary of not to exceed three thousand dollars (\$3,000.00) and necessary expenses.

(Section 4700, Oklahoma Statutes 1931 -- 59 O. S. 1941, § 336, as amended by Section 1 of H. B. 174 of the 22nd Okla. Leg., effective August 26, 1949.)

OKLAHOMA STATE PHARMACY LAWS

7.

COMPENSATION OF MEMBERS PAYMENTS BY SECRETARY TO TREASURER — ANNUAL RE- PORT — BONDS OF OFFICERS.

Each member of the said Board of Pharmacy shall receive five dollars (\$5.00) for each day of actual services and all legitimate expenses incurred in the discharge of official duties. The secretary of said Board shall receive an annual salary to be fixed by the Board of Pharmacy and all necessary expenses. He shall pay to the treasurer at each meeting, or whenever the Board may direct, such funds of the Board as may be in his possession, and take the treasurer's receipt therefor; provided, that no part of the salaries or expenses of the Board shall be paid out of the State Treasury. In its annual report to the Governor and the State Pharmaceutical Association the Board shall render an account of all monies received and disbursed pursuant to this Act; and the secretary and treasurer shall give such bonds as the Board shall from time to time direct.

Section 4701, Oklahoma Statutes 1931 — 59 O. S. 1941,
§ 337, as amended by Section 3, H. B. 174, of the
22nd Okla. Leg., effective August 26, 1949.)

8.

EXAMINATION AND REGISTRATION OF CER- TAIN PERSONS.

Every person seeking registration under this article (R. L. 1910, ch. 67, art. 3, sections 1-10, 12-17 of this booklet), whose registration is not otherwise provided for, shall make application in form and manner prescribed by the Board, and deposit with the secretary of the Board a fee of ten dollars; then, on presenting himself at the time and

OKLAHOMA STATE PHARMACY LAWS

place directed by the Board, and sustaining a satisfactory examination, he shall be granted an appropriate certificate setting forth his particular qualifications; provided, that in case of failure of applicant to pass a satisfactory examination, he shall be entitled to second examination, without charge, at the next succeeding meeting of the Board; provided, further, that persons provided for in Section (probably should read "Section 6841", now Section 14 of this booklet) shall receive a permit on application and satisfactory proof of good moral character and sobriety.

(Section 4702, Oklahoma Statutes 1931 — 59 O. S. 1941,
§ 338.)

9.

ANNUAL RENEWAL OF REGISTRATION — CANCELLATION OF CERTIFICATES — PAYMENTS TO STATE PHARMACEUTICAL ASSOCIATION.

Every registered pharmacist and every assistant pharmacist in the meaning of this article who desires to continue in the pursuit of pharmacy in this State shall annually, after the expiration of the first year of registration, and on or before the second day of July of each year, pay to the secretary of the Board of Pharmacy a renewal fee to be fixed by the Board, which shall not exceed six dollars (\$6.00), in return for which a renewal registration shall be issued; provided, that persons receiving permits under Section 6840 shall pay a fee of one dollar (\$1.00) per annum to the Board. If any person shall fail or neglect to procure his annual registration or permit, as herein specified, notice of such failure having been mailed to his post office address, the Board may, after the expiration of thirty (30) days following the issue of said notice, deprive him of his registration and all other privileges conferred by this article, and in order to regain registration, it shall be necessary for such person to make application and pass examination as

OKLAHOMA STATE PHARMACY LAWS

provided in the preceding section; and provided further, that the State Board of Pharmacy shall have power upon proper evidence to cancel the certificate of a registered or an assistant registered pharmacist who habitually uses intoxicating liquors as a beverage or habit forming drugs; and provided further, that the State Board of Pharmacy shall each year turn over to the State Pharmaceutical Association for the advancement of the science of the Art of Pharmacy, out of the annual fees collected by it the sum of two dollars and fifty cents (\$2.50) for each pharmacist and each assistant pharmacist who shall have paid his renewal fee during such year. Said association shall annually report to said Board on the condition of Pharmacy in the State.

(Section 4703, Oklahoma Statutes 1931 — 59 O. S. 1941, § 339, as amended by Section 2, H. B. 174, 22nd Okla. Leg., effective August 26, 1949.)

10.

DISPLAY OF CERTIFICATE OF REGISTRATION — DISCONTINUANCE OR CHANGE OF PLACE OF BUSINESS SEIZURE OF CERTIFICATE UN- LAWFULLY USED.

Every person upon receiving a certificate of registration under this Act, or who has heretofore received a certificate of registration in this State shall keep the same conspicuously exposed in the place of business where he or she is actively engaged in the practice of pharmacy and his or her last receipts for re-registration shall be attached to the lower left corner of the original certificates. Every registered pharmacist within the meaning of this Act shall within ten (10) days after discontinuing or changing his or her place of business or practice as designated on the books of the Board of Pharmacy, remove his or her certificate and notify the secretary of the Board of his or her new place of business or practice, and upon receipt of said

OKLAHOMA STATE PHARMACY LAWS

notification the secretary shall make the necessary change in his register. Any registered pharmacist failing to comply with any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00).

Any member of the Board of Pharmacy or inspector duly authorized by said Board shall have authority to confiscate any certificate issued by said Board which has been "farmed out" or intentionally left displayed in any place of business where the holder is not actively engaged at all times or where there is evidence of any attempt to permit a place of business to operate on such certificate; provided, that the holder of an arrested certificate shall be entitled to a hearing before the Board of Pharmacy and show cause why *their* certificate should not be cancelled. (Section 4704, Oklahoma Statutes 1931 — 59 O. S. 1941, § 340.)

11.

LICENSE -- PRACTICING PHARMACY WITHOUT LICENSE UNLAWFUL — PENALTY — EXCEP- TIONS.

From and after the passage and approval of this Act it shall be unlawful for any person, firm or corporation to engage in the business of selling at retail, or offering for sale, drugs or poisons for the treatment of disease or to compound physicians' prescriptions without first procuring from the State Board of Pharmacy a license as hereinafter provided for each separate place in which said business is to be carried on. Application for such license shall be made in writing and shall be accompanied by a payment to said Board of the sum of ten dollars (\$10.00) as a license fee, such license shall be valid for a period of one year commencing on July 1st and ending on the thirtieth day of June, and such license shall contain the name of the licensee and the address of the place at which such

OKLAHOMA STATE PHARMACY LAWS

business will be conducted; and, provided further, that no such license shall be issued to any person unless such person be a registered pharmacist in this State and shall be in said place of business at all times during which it is open for business, or shall furnish documentary evidence that a pharmacist registered in Oklahoma is or shall be employed in such place of business at all times during which such place is open for business; and, provided further, that no person, firm or corporation other than one so licensed shall use or exhibit the title "Druggist", "Pharmacy", "Drug Store", "Medicine Store", "Drugless Drug Store", "Drug Department", "Drugs", "Drug Sundries", or any other term, sign or device or any word in similitude thereof which would lead the public to believe that the person using or exhibiting such sign, device, term or title is operating a drug store where a registered pharmacist is in charge, but no registered pharmacist shall have personal supervision of more than one pharmacy or drug store at the same time, and in the event any person or persons holding such license shall at any time conduct such a business without a pharmacist who is registered in Oklahoma, being in charge thereof, their license shall be revoked by the Board of Pharmacy and any person, firm or corporation violating any of the provisions of this Act (this section and section 6, 7 and 10 of this booklet) shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one hundred dollars (\$100.00) or more than three hundred dollars (\$300.00), or be imprisoned in the county jail for not less than thirty (30) days or more than ninety (90) days, or by both such fines and imprisonment.

Provided, that nothing in this Act shall be construed to prevent any physician engaged in practice from supplying his patients with such articles as may to him seem proper; nor shall the Act be construed to prevent or in any manner interfere with, or apply to, the business of selling or the sale or offering for sale of patent or proprietary medicines; nor interfere with nor prevent the sale of the commonly used household drugs, provided such

OKLAHOMA STATE PHARMACY LAWS

commonly used household drugs are offered for sale or sold in packages which have been put up for sale to consumers by pharmacists, manufacturing pharmacists, manufacturers or wholesale druggists, nor shall any of the provisions of this Bill prohibit the selling direct to the consumers any patent medicine or proprietary remedies, commonly used as household drugs, nor shall this article interfere with the business of those merchants who keep or sell such poisons, acids and chemicals as are regularly used in agriculture, mining and the arts, when kept and sold for such purposes only in plainly sealed and labeled packages. Provided further, that nothing in this Act shall in any manner interfere with the business of merchants in towns having less than three hundred inhabitants, in which there is no licensed pharmacy, or with country merchants, in selling or vending such medicines, compounds and chemicals as are required by the general public.

(Section 4697, Oklahoma Statutes 1931 — 59 O. S. 1941,
§ 341.)

12.

PENALTY FOR USING TITLE OF PHARMACIST.

Any person who shall unlawfully and without authority, take, use or exhibit the title of a registered pharmacist, or assistant, in the State of Oklahoma, shall be liable to a fine of one hundred dollars for each offense; a like penalty shall attach to any assistant pharmacist who shall, without authority, take, use or exhibit the title of a registered pharmacist in the State of Oklahoma.

(Section 4705, Oklahoma Statutes 1931 — 59 O. S. 1941,
§ 342.)

OKLAHOMA STATE PHARMACY LAWS

13.

PENALTY FOR SUNDRY VIOLATIONS EXCEP- TIONS.

Any proprietor of a pharmacy, or other person, who shall permit the compounding and dispensing of physicians' prescriptions for the vending of drugs, medicines or pharmaceutical preparations in his store or place of business, except by a registered pharmacist, or assistant pharmacist, in the meaning of this article (R. L. 1910, ch. 67, art. 3, sections 1-10, 12-17 of this booklet), or under the immediate supervision of one, or who, while continuing the pursuit of pharmacy in the State of Oklahoma, shall neglect to procure his annual registration, or any person who shall wilfully make any false representations to procure for himself, or for another, registration under this article, or who shall violate any other provision of this article, shall for each and every offense be liable to a fine of one hundred dollars; provided, further, that nothing in this article shall interfere with the business of those merchants who keep on sale such poisons, acids and chemicals as are regularly used in agriculture, mining and the arts, when kept and sold for such purposes only in sealed and plainly labeled packages; provided, also, that nothing in this Act (Laws 1897, p. 229, sections 1-10, 12-17 of this booklet) shall in any manner interfere with the business of any physician in regular practice, nor prevent him from supplying his patients such articles as may to him seem proper, nor with the marketing and vending of proprietary and patent medicines in towns of three hundred inhabitants or less, nor with the exclusive wholesale business of any dealers, except as hereinafter provided; and, provided further, that nothing in this article shall in any manner interfere with the business of merchants in towns having less than three hundred inhabitants in which there is no licensed pharmacy or with country merchants, in selling or vending such medicines, compounds and chemicals as are re-

quired by the general public and in form and manner prescribed by the Board of Pharmacy.

(Section 4706, Oklahoma Statutes 1931 — 59 O. S. 1941,
§ 343.)

14.

HABITUAL USERS OF INTOXICANTS, NOT TO BE LICENSED.

No one who habitually uses intoxicating liquor as a beverage shall be licensed as a pharmacist or assistant pharmacist. The examining board shall in all cases require each applicants to file his written declaration duly sworn to the effect that he does not habitually use vinous, malt or alcoholic liquors as a beverage, and that he has never been illegally engaged in the business of selling liquors in the State of Oklahoma. Any one swearing falsely in the affidavit so filed shall be guilty of perjury, the same to apply to persons getting permits as provided for in the preceding section (Section 13, this booklet).

15.

SALE OF POISONS.

It shall be unlawful for any person to retail any of the following poisons: Arsenic and its preparations, corrosive sublimate, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnine and all other poisonous vegetable alkaloids, and their salts, essential oil of bittel almonds, opium and its preparations, except paregoric and other preparations of opium containing less than two grains to the ounce; aconite, bella donna, colchicum, conium, nuxvomica, henbane, savin, ergot, cotton root, cantharides, creosote, digitalis, and their pharmaceutical preparations; croton oil, chloroform, chloral hydrate, sulphate of zinc, mineral acids, carbolic acid and oxalic acid, without distinctly labeling the box, vessel or paper in which the said poison is contained, with the name of the article, the word "poison" and the name and the place of business of the seller. Nor shall it be lawful for any registered pharmacist, or other

OKLAHOMA STATE PHARMACY LAWS

person, to sell any of the poisons above enumerated without causing an entry to be made in a book kept for that purpose before delivering the same to the purchaser, stating the date of sale, the name and address of the purchaser, the name of the poison sold, the purpose for which it is represented by the purchaser to be required, and the name of the dispenser, such a book to be always open for inspection by the proper authorities, and to be preserved for at least five years. The provisions of this section shall not apply to the dispensing of poisons in not unusual quantities, or doses, upon the prescription of practitioners of medicine. Any violation of the provisions of this section shall make the offender liable to a fine of not less than twenty-five dollars and not more than one hundred dollars and upon conviction for the second offense in addition to the fine he shall have his name stricken from the register.

(Section 4708, Oklahoma Statutes 1931 — 59 O. S. 1941, § 345.)

16.

LANGUAGE TO BE USED IN PRESCRIPTIONS.

No practicing physician or surgeon shall write or cause to be written any prescription or recipe in any characters, figures or ciphers other than in the English or Latin language, generally in use among medical practitioners; and for every violation hereof the offender shall forfeit not less than five nor more than twenty dollars.

(Section 4714, Oklahoma Statutes 1931 — 59 O. S. 1941, § 351.)

**MISCELLANEOUS STATUTES OF OKLAHOMA
AFFECTING THE PRACTICE OF PHARMACY.**

The following laws affect, directly or indirectly, the practice of pharmacy in this State, and hence should be carefully examined by all registered pharmacists.

Section 4581, Oklahoma Statutes 1931, which now appears as 59 O. S. 1941, § 515, makes it unlawful for any person to peddle in any county of the State "any drug or medicine, pharmaceutical preparation, chemical or any composition or combination thereof", without first securing an annual license to do so from the county clerk of the county, for which a \$50.00 fee must be paid.

Article 6, Chapter 24, Oklahoma Session Laws, 1935, which now appears as 63 O. S. 1941, §§ 401-424, is the "Uniform Narcotic Drug Act" of the State, and prescribes the manner in which narcotic drugs may be lawfully dispensed and sold therein. Section 401 was amended by S. B. 171 of the 22nd Oklahoma Legislature, effective May 13, 1949, and penalties fixed for violation thereof.

Chapter 24, Oklahoma Session Laws 1933, which now appears as 63 O. S. §§ 451 and 452, relates to the dispensing and sale of marihauna in this State.

**Laws Enacted in 1949 Relating to Barbiturates
and Narcotics.**

House Bill 162 of the 22nd Oklahoma Legislature, effective August 26, 1949:

Section 1. For the purpose of this Act—

(a) The term "barbiturate" means the salts and derivatives of barbituric acid, also known as malonyl urea having hypnotic or somnifacient action, or compounds of any preparations or mixtures thereof.

OKLAHOMA STATE PHARMACY LAWS

- (b) The term "delivery" means sale, dispensing, giving away, or supplying in any other manner.
- (c) The term "patient" means, as the case may be, (1) the individual for whom a barbiturate is prescribed or to whom a barbiturate is administered, or (2) the owner or the agent of the owner of the animal for which a barbiturate is prescribed or to which a barbiturate is administered.
- (d) The term "person" includes, individual, corporation, partnership, and association.
- (e) The term "practitioner" means a person licensed by law to prescribe and administer barbiturates.
- (f) The term "pharmacist" means a person duly registered with the State Board of Pharmacy as a compounder, dispenser, and supplier of drugs upon prescription.
- (g) The term "prescription" means a written order by a practitioner, verbal or telephone, to pharmacist for a barbiturate for a particular patient, which (1) specifies the date of its issue, the name and address of such practitioner, the name of the patient (and, of such barbiturate is prescribed for an animal, the species of such animal), the name and quantity of the barbiturate prescribed, the directions for use of such drug, and the signature of such practitioner.
- (h) The term "manufacturer" means persons other than pharmacists who manufacture barbiturates, and includes persons who prepare such drugs in dosage forms by mixing, compounding, encapsulating, entableting, or other process.
- (i) The term "wholesaler" means persons engaged in the business of distributing barbiturates to persons included in any classes named in subdivisions (1) to (6) inclusive of Section 4.

OKLAHOMA STATE PHARMACY LAWS

(j) The term "warehouseman" means persons who store barbiturates for others and who have no control over the disposition of such barbiturates except for the purpose of such storage.

Sec. 2. The following acts, the failure to act as hereinafter set forth, and the causing of any such act or failure are hereby declared unlawful:

(a) The delivery of any barbiturate, except as provided in Section 4, unless:

(1) Such barbiturate is delivered by a pharmacist, upon an original prescription, and there is affixed to the immediate container in which such drug is delivered a label bearing (A) the name and address of the owner of the establishment from which such drug was delivered; (B) the date on which the prescription for such drug was filled; (C) the number of such prescription as filed in the prescription files of the pharmacist who filled such prescription; (D) the name of the practitioner who prescribed such drugs; (E) the name of the patient, and if such drug was prescribed for an animal, a statement showing the species of the animal; and (F) the directions for use of the drug as contained in the prescription; or

(2) Such barbiturate is delivered by a practitioner in the course of his practice and the immediate container in which such drug is delivered bears a label on which appear the directions for use of such drug, the name and address of such practitioner, the name of the patient and, if such drug is prescribed for an animal, a statement showing the species of the animal.

(b) The refilling of any prescription for a barbiturate unless permission is granted by the prescribing physician, or practitioner, and such refilled prescription shall have recorded upon same the date such authorization was granted.

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(c) The possession of a barbiturate by any person, unless such person obtained such drug on the prescription of a practitioner.

(d) The refusal to make available and to accord full opportunity to check any record or file, as required by Section 6.

(e) The using of any person to his own advantage, or revealing other than to an officer or employee of the State Board of Pharmacy, or to a court when relevant in a judicial proceeding under this Act, any information required under the authority of Section 6, concerning any method or process which as a trade secret is entitled to protection.

Sec. 3. (a) Nothing in this Act shall apply to compounds, mixtures, or preparation containing, in addition to a barbiturate, sufficient quantity of another drug or drugs to cause the compound, mixture, or preparations to possess other than an hypnotic or somnifacient action.

(b) Nothing in this Act shall apply to any compound or mixture or preparation that is intended to be used as a spray or gargle or a liniment or in any other way for external application if such compound, mixture, or preparation contains, in addition to the barbiturate, some other drug or drugs rendering it unfit for internal administration, and such compounds or mixtures or preparations shall be sold in good faith for the purpose for which they are intended and not for the purpose of evading the provisions of this Act.

Sec. 4. The provisions of paragraphs (a) and (c) of Section 2 shall not be applicable (a) to the delivery of barbiturates to persons included in any of the classes hereinafter named, or to the agents or employees of such persons, for use in the usual course of their business or practice or in the performance of their official duties, as the case may be; or (b) to the possession of barbiturates

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by such persons or their agents or employees for such use:

- (1) Pharmacists.
- (2) Practitioners.

(3) Persons who procure barbiturates (A) for disposition by or under the supervision of pharmacists or practitioners employed by them or (B) for the purpose of lawful research, teaching, or testing, and not for resale.

(4) Hospitals and other institutions which procure barbiturates for lawful administration by practitioners.

(5) Manufacturers, wholesalers, carriers, warehousemen.

Sec. 5. (a) Persons (other than carriers and practitioners) to whom the provisions of Section 4 are applicable shall keep complete records showing (1) all stocks of barbiturates on hand, and (2) all receipts and deliveries of barbiturates by such persons, their agents and employees.

(b) Practitioners shall keep complete records showing (1) all receipts of barbiturates dispensed by them, their agents and employees, and (2) the name and quantity of each barbiturate dispensed or administered by them, the date it was dispensed or administered, the name of patient, and, if such barbiturate was prescribed or administered to an animal, the species of the animal.

(c) Pharmacists shall keep complete records showing (1) all receipts of barbiturates dispensed by them; (2) file each prescription received by them with appropriate number and date of each refill pursuant thereto; as provided in subsection (b) of Section 2; (3) retain such prescriptions for a period of not less than two (2) calendar years; (4) in the case of sales under the provisions of Section 4, the names and quantity of the barbiturate sold, the date it was sold and the name and address of the purchaser.

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(d) The usual commercial or other records maintained by manufacturers, wholesalers, practitioners, or pharmacists, shall suffice to meet the requirements of this section. Such records shall be preserved for a period of not less than two (2) calendar years.

Sec. 6. Persons required to keep files or records, relating to barbiturates by Section 5 shall, upon the written request of an officer or employee duly designated by the State Board of Pharmacy, (1) make such files or records available to such officer or employee, at all reasonable hours, for inspection and copying, and (2) accord to such officer or employee full opportunity to check the correctness of such files or records including opportunity to make inventory of all stocks of barbiturates on hand; and it shall be unlawful for any such person to fail to make such files or records available or to accord such opportunity to check their correctness.

Sec. 7. The State Board of Pharmacy is hereby authorized to promulgate necessary regulations for the administration and enforcement of this Act.

Sec. 8. Any person who violates any of the provisions of Section 2 of this Act upon conviction thereof, be subject to imprisonment for not more than one year, or a fine of not more than five hundred dollars (\$500.00), or both such imprisonment and fine; but if the violation is committed after a conviction of such person under this Act has become final such person shall be subject to imprisonment for not more than two (2) years or a fine of not more than one thousand (\$1,000.00) dollars, or both such imprisonment and fine.

Sec. 9. If any provision of this Act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the Act and the applicability thereof to other persons and circumstances shall not be affected thereby.

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Sec. 10. Repealing O. S. Accumulate Supplement 1947, Title 63, Paragraphs 328.1 and 328.2.

Senate Bill No. 171 of the 22nd Oklahoma Legislature, effective May 13, 1949.

An Act relating to narcotic drugs; defining the term "narcotic drugs"; providing penalties for any person found guilty of larceny of such narcotic drugs; amending 63 O. S. 1941, Section 401 (13); and declaring an emergency.

Be It Enacted By the People of the State of Oklahoma:

Section 1. 63 O. S. 1941, Section 401 (13) is hereby amended to read as follows:

(13) "Narcotic drugs" mean:

A. Coca leaves and opium and every substance neither chemically nor physically distinguishable from them.

B. Isonipecaine, identified chemically as 1-Methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester, or any salt thereof, by whatever trade name designated.

C. Amidone, identified chemically as 4-4-Diphenyl-6-Dimethylamino-Heptanone-3, or any salt thereof, by whatever trade name designated.

D. Isoamidone, identified chemically as 4-4-Diphenyl-5-Methyl-6-Dimethylaminohexanone-3, or any salt thereof, by whatever trade name designated.

E. Keto-bemidone, identified chemically as 4-(3-Hydroxy-phenyl)-1-Methyl-4-piperidyl ethyl ketone hydrochloride, or any salt thereof, by whatever trade name designated.

Sec. 2. Any person found guilty of larceny of narcotic drugs as defined in Section 1 of this Act shall be punished by imprisonment in the penitentiary for a period

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not to exceed five (5) years, or by a fine of not more than one thousand dollars (\$1,000.00), or by both such fine and imprisonment.

Sec. 3. It being immediately necessary for the preservation of the public, peace, health and safety, an emergency is hereby declared to exist, by reason whereof this Act shall take effect and be in full force from and after its passage and approval.

Section 4491, 4492 and 4495, Oklahoma Statutes 1931, which now appear as 63 O. S. § 545, 546 and 549, make it unlawful:

- (a) for any person who is not a physician to "undertake to treat or cure" for pay any person infected with a venereal disease, unless he is acting under the direction and control of a physician.
- (b) for any dealer "to treat or offer to treat" any person infected with any venereal disease, or "to sell, furnish or give" to any such person any medicine "that may be advertised or used for the treatment of venereal diseases before requiring such person to produce and file" with him a proper prescription therefor signed by a reputable physician, and
- (c) for any person having the lawful possession of any such prescription to expose the same to any person other than to "the duly elected or appointed health authorities of the state, county or municipalities", or when properly ordered by a court of competent jurisdiction to be used as evidence in such court.

Section 2564, Oklahoma Statutes 1931, which now appears as 21 O. S. 1941, § 901, legalizes the sale on Sunday of "drugs, medicines, * * * and surgical appliances".

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Section 2653, Oklahoma Statutes 1931, which now appears as 37 O. S. 1941, § 122, provides that if any "apothecary, druggist or pharmacist" is convicted for the second time of violating any of the provisions of the laws of this state relating to the sale or giving away of intoxicating liquors, the judgment of conviction shall provide that his license to practice as such "is revoked".

Section 2596, Oklahoma Statutes 1931, which now appears as 37 O. S. 1941, § 131, prescribes the manner in which alcohol may be sold "to any apothecary, druggist or pharmacist in this state" and the conditions under which said alcohol can be used thereby.

Section 805, Oklahoma Statutes 1931, which now appears as 38 O. S. 1941, § 10, provides that pharmacists may claim exemption from jury service and if they claim such exemption they "shall not be compelled to serve as jurors in this state".





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